

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of | : | Terrence Martineau et al. |
| | : | |
| For | : | IMPROVED MAP NAVIGATION |
| | : | WITH BREADCRUMB BUTTONS |
| | : | |
| Serial No. | : | 10/825,171 |
| | : | |
| Filed | : | April 16, 2004 |
| | : | |
| Art Unit | : | 2179 |
| | : | |
| Examiner | : | Samir Termanini |
| | : | |
| Att. Docket | : | ALC 3129 |
| | : | |
| Confirmation No. | : | 8266 |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Non-Final Office Action dated August 17, 2009, and further to the Notice of Appeal filed concurrently herewith.

Claims 1, 4-6, and 9-18 are pending in the present application, of which claims 1, 6, 11, 12 are independent. Applicant hereby requests review of the rejections in the above-identified application in view of the arguments presented in detail herein.

REJECTIONS UNDER 35 U.S.C. § 103

On pages 4-12, the Office Action rejects claims 1, 4, 6, 9, and 11-18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0018665 to Dovin et al. (hereinafter "Dovin") in view of *Oracle Browser Look and Feel (BLAF) Guidelines* (hereinafter "Beier"). On pages 12-16, the Office Action rejects claims 5 and 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dovin in view of Beier and U.S. Publication Number 2005/0132018 to Milic-Frayling et al. (hereinafter "Milic-Frayling"). Applicant respectfully traverses these rejections.

Claim 1 recites, in part, "when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive" (emphasis added). Independent claims 6, 11, and 12 contain similar recitations.

The Office Action correctly concedes, on page 5, that Dovin fails to disclose the above-quoted subject matter. The Office Action goes on, however, to allege that Beier discloses this subject matter, specifically citing page 4.

Applicant respectfully submits that Beier wholly fails to disclose this subject matter. At no point does Beier suggest displaying less than the total number of buttons in a breadcrumb trail. In fact, on page 3, under the "Usage Guidelines,"

“Valid Truncation Usages,” and “Breadcrumb Links” headings, Beier states, “[b]ecause it is important for the hierarchy of visited pages to remain clear, truncation is not applied to the complete trail as a unit.” (emphasis added). Beier reiterates the point in the same section, “[t]runcation rules are not applied to complete breadcrumb trails as a unit, since it is important that no breadcrumb links be removed from view.”

Thus, Beier teaches that all buttons within a breadcrumb trail must be displayed, regardless of whether the links are individually truncated. Accordingly, Beier fails to disclose, *inter alia*, “when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object, inclusive,” and instead, explicitly and plainly teaches away from this subject matter. Accordingly, Applicant respectfully submits that the rejection of claims 1, 4, 6, 9, and 11-18 constitutes a clear error.

For at least the foregoing reasons, the Final Office Action fails to present a *prima facie* case of obviousness for independent claims 1, 6, 11, and 12. Thus, Applicant respectfully submits that independent claims 1, 6, 11, and 12 are allowable.

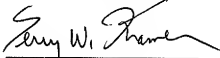
Claims 4, 5, and 15 depend from independent claim 1; claims 9, 10, and 16 depend from independent claim 6; claim 17 depends from independent claim 11; and claims 13, 14, and 18 depend from independent claim 12. Accordingly, claims 4, 5, 9, 10, and 13-18 are allowable based at least upon their respective dependencies from allowable base claims. Therefore, Applicant respectfully requests that the rejections of claims 1, 4-6, and 9-18 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

While we believe that the instant pre-appeal brief request for review places the application in condition for allowance, should the Examiner have any further suggestions, it is respectfully requested that the Examiner contact the correspondence attorney listed below at the telephone number listed below in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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Date: October 14, 2009

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